



## MEMORANDUM

Agenda Item No. 6(A)

**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

(Second Reading 12-4-03)  
November 4, 2003

**FROM:** George M. Burgess  
County Manager

**SUBJECT:** Ordinance amending luxury limousine sedan definition and grandfathering certain sports utility vehicles

### **RECOMMENDATION**

It is recommended that the Board approve the attached ordinance amending the definition of luxury limousine sedan by eliminating the reference to maximum passenger capacity, adding the term "luxury sedan" to the definition, and creating a special provision grandfathering sports utility vehicles (SUV's) decaled under the stretch limousine category to continue operations for a three year period.

### **BACKGROUND**

On November 14, 2000, the Board approved Ordinance No. 00-139 providing for the licensing and regulation of for-hire limousines, including luxury sedans. These provisions are codified in Article VI, Chapter 31 of the Code.

A luxury limousine sedan is presently defined as a luxury, non-metered vehicle of a wheelbase size smaller than a stretch limousine, as defined by the Consumer Services Department (CSD), manufactured to carry up to five passengers, excluding the driver. In the discussions leading up to passage of the ordinance it was agreed that a tool to assist CSD in determining luxury sedans was the establishment of a minimum Manufacturer's Suggested Retail Price (MSRP). This would be updated annually based on the Consumer Price Index (CPI). The MSRP agreed to was \$39,500. It was also accepted that luxury SUV's meeting the definition be permitted under this category.

Since the ordinance was enacted, luxury SUV's have been manufactured with an increasingly larger seating capacity, thus exceeding the five-person luxury limousine sedan definition. Large SUV's were instead decaled under the stretch limousine category which allows a passenger capacity of six to eight persons; however, while these large SUV's meet the passenger capacity requirements of the stretch category, they do not satisfy the requirement that the vehicles be stretched. Thirty-four SUV's were decaled in this category; 25 remain in operation.

An adjustment to the definition of luxury sedan to eliminate the maximum passenger capacity is recommended. This change will capture the large luxury SUV's and ensure that service providers can continue to offer luxury SUV's to meet customer demand. The luxury SUV's will be determined based on a minimum MSRP of \$45,000.00, that will be updated annually based on the CPI, to ensure that only luxury SUV's qualify for inclusion.

In addition to the definitional change, this ordinance creates a special provision to address the SUV's that are presently in operation under the stretch limousine category. Specifically, it allows these SUV's to continue operations for a period of three years, provided that certain conditions are maintained:

- The stretch limousine license and vehicle operating permit are maintained current and valid and in compliance with all requirements of the Code.

- The SUV operated under the vehicle operating permit meets and adheres to all vehicle standards, age requirements and inspection frequencies for a luxury sedan.
- The minimum limousine sedan rates adhered to are the minimum rates for a luxury limousine sedan.
- Failure to comply with any of the requirements will result in automatic revocation of the specific operating permit and removal of the SUV from service under the stretch limousine license.

During the three-year period, vehicles may be replaced if needed. After the three-year period, the vehicle, regardless of age, must be replaced with a stretch limousine. The additional three-year period will allow affected entities adequate time to make business decisions appropriate for their operations, and to participate in the initial luxury limousine lottery that should take place late 2005.

On September 30, 2003, staff convened a meeting of the Limousine Committee to review this issue. The Limousine Committee is comprised of limousine, taxi and hospitality representatives and was instrumental in the development of the limousine ordinance. Some in attendance believe that SUV's should be placed in an open entry category without limitation, while others support having SUV's in the luxury sedan category, which is limited category. Some do not support any grandfather provision for the SUV's that were decaled under the stretch limousine category and prefer that those vehicles be required to lease existing luxury sedan permits, while others support a longer or permanent grandfather provision.

Following lengthy discussion, the majority of the Limousine Committee supported a three-year grandfather provision. This item incorporates their recommendation. The Committee also supported eliminating the passenger capacity requirement in the definition of luxury limousine sedan.

Staff does not recommend an open entry system for SUV's. SUV's provide luxury sedan-type service and are appropriate for the luxury sedan category. Additionally, the discussions leading up to the adoption of the original limousine ordinance intended the inclusion of SUV's in the luxury sedan category. Staff also does not recommend moving the 25 SUV's into the luxury sedan category. The criteria for obtaining a luxury sedan license were carefully crafted and very stringent involving production of specific historical records and payment of penalties.

The proposed ordinance, while not satisfying all parties, strikes a balance between the competing points of view and remains true to the original intent of the limousine ordinance.

#### FISCAL IMPACT

There is no fiscal impact.



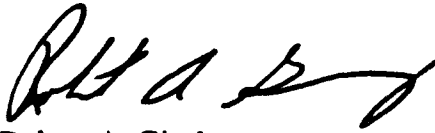
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D. **DATE:** December 4, 2003  
and Members, Board of County Commissioners

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6 (A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 6 (A)  
12-4-03

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO FOR-HIRE  
LIMOUSINES; AMENDING DEFINITION OF LUXURY  
LIMOUSINE SEDAN; GRANDFATHERING IN  
SPORTS UTILITY VEHICLES DECALED IN STRETCH  
LIMOUSINE CATEGORY FOR THREE YEARS;  
PROVIDING SEVERABILITY, INCLUSION IN THE  
CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS  
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Chapter 31, Article VI of the Code of Miami-Dade County,  
Florida, is hereby amended to read as follows:<sup>1</sup>

CHAPTER 31

VEHICLES FOR HIRE

\* \* \*

ARTICLE VI. LICENSING AND REGULATION OF FOR-HIRE  
LIMOUSINES

**Sec. 31-601. Definitions.**

\* \* \*

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (v) *Luxury limousine sedan* >>or luxury sedan<< means a luxury, non-metered vehicle of a wheelbase size smaller than a stretch limousine, as defined by CSD>>.<< ~~[[, manufactured to carry up to five (5) passengers, excluding the driver.]]~~

\* \* \*

**Sec. 31-613.**

**Special provisions.**

>>(a)<<The provisions of this article shall be the exclusive regulations applicable to the provision of and operation of for-hire motor vehicle transportation services in Miami-Dade County. Notwithstanding the provisions of any municipal ordinance, resolution, or agreement to the contrary, from and after the effective date of this article, no municipality shall authorize, establish, change, alter, amend, or otherwise regulate for-hire transportation in Miami-Dade County. Regulations established by this article shall be uniform throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries. All municipal ordinances or resolutions to the contrary are hereby superseded and rescinded.

>>(b) Notwithstanding anything to the contrary in this article, a stretch limousine license holder that has, as of October 1, 2003, been issued a current and valid permit to operate a vehicle that has been categorized by the automobile industry as a sports utility vehicle may continue to operate a sports utility vehicle pursuant to the for-hire license until October 1, 2006 provided that: 1) the stretch limousine license is maintained current and valid; 2) all permits issued pursuant to the for-hire license to operate a sports utility vehicle are continuously operated and maintained current and valid; 3) all sports utility vehicles operated pursuant to the for-hire license meet and comply with all other requirements for a luxury sedan, including, but not

limited to, the vehicle standards, vehicle age requirements, inspection frequency and minimum rates for a luxury sedan; and 4) the permit is operated in compliance with the preceding provisions and all requirements of Chapter 31 of the Code. Any change in ownership of the license holder or failure to comply with applicable requirements shall result in automatic revocation of the permit and removal of the sports utility vehicle from service under the stretch for-hire limousine license. A for-hire license holder operating a sports utility vehicle pursuant to this subsection (b) shall not at any time operate any more sports utility vehicles than the number authorized as of October 1, 2003.<<

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

KAG

Prepared by:

GKS

Gerald K. Sanchez